

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

CR 09 0667

UNITED STATES OF AMERICA,

v.

E-filing

HUNG T. TRAN,

DEFENDANT(S).

INDICTMENT

Title 18 U.S.C. § 371 - Conspiracy to Make Materially False Statement in a Matter
Within the Jurisdiction of the United States Government

A true bill.

[Signature]
Foreman

Filed in open court this 30th day of

June 2009
[Signature] KAREN L. HOWE
Clerk

[Signature] Bail, \$ Summons to crime

July 8 2009
at \$500
Judge Chen

CR09-0667-VRW

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

18 USC Section 371: Conspiracy to Make Materially False Statement

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Maximums: 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment; restitution.

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

HUNG T. TRAN

DISTRICT COURT NUMBER

CR 09**0667****VRW****DEFENDANT****IS NOT IN CUSTODY**

- Has not been arrested, pending outcome this proceeding.
 1) ☒ If not detained give date any prior summons was served on above charges

- 2)
- ☐
- Is a Fugitive

- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☐
- On this charge

- 5)
- ☐
- On another conviction

☐ Federal ☐ State

- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Department of State

- ☐
- person is awaiting trial in another Federal or State Court, give name of court

- ☐
- this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

- ☐
- this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

- ☐
- this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

- ☐
- prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form AUSA Nat Cousins☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

AUSA Nat Cousins**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS* ☐ WARRANTBail Amount: TBD

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

care of counsel Christian Picone of Berliner Cohen
10 Almaden Blvd., 11th Floor, San Jose, CA 95113

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: July 8, 2009, 9:30 a.m. Before Judge: Duty Magistrate SF

Comments:

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

FILED
09 JUN 30 11:12:10
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VRW

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUNG T. TRAN,
a/k/a Anh Hung,

Defendant.

CR 09

0667

VIOLATION: 18 U.S.C. § 371 –
Conspiracy to Make Materially False
Statement in a Matter Within the
Jurisdiction of the United States
Government

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

BACKGROUND

At all times relevant to this Indictment:

1. According to the laws of the United States, a foreign person wishing to enter the United States must apply for an entry visa. To apply, the applicant must submit a standard visa application, a fee, photographs, and other documents to a Department of State officer authorized to issue and adjudicate visas at an United States Consulate.

INDICTMENT

1 There are various categories of entry visas prescribed by statute and by Department of
 2 State regulations covering tourists, employees, refugees, and diplomats, among many
 3 other categories. The most common entry visa issued by the Department of State is a
 4 tourist visa known as the B1/B2 visa. These visas allow foreign persons to enter the
 5 United States for tourism or for work purposes, so long as they are not paid by an U.S.
 6 company. In practice, these visas are issued to foreign business people who want to
 7 attend meetings, to attend training courses, or to conduct business negotiations, so long as
 8 they are paid by an employer outside of the United States. Foreign persons wishing to
 9 enter the United States and wishing to be employed by an U.S. company must apply for
 10 an H1 visa. H1 visas have much stricter issuance requirements and can only be issued to
 11 vetted foreign employees in specialty occupations where there is a shortage of U.S. labor.
 12 Although there are some specific exceptions, a foreign person cannot be employed by an
 13 U.S. company on a B1/B2 visa.

14
 15 COUNT ONE: , (18 U.S.C. § 371 – Conspiracy to Make Materially False Statement
 16 in a Matter Within the Jurisdiction of the United States Government)

17 2. Paragraph One is incorporated herein by reference.

18 3. Beginning on a date unknown, and continuing to on or about May 7, 2009, in the
 19 Northern District of California and elsewhere, the defendant

20 HUNG T. TRAN,

21 and others known and unknown to the Grand Jury, did knowingly and intentionally
 22 conspire and agree to make a materially false statement in a matter within the jurisdiction
 23 of the United States Government, in violation of Title 18, United States Code, Section
 24 1001. Specifically, the defendant and co-conspirators did knowingly and intentionally
 25 conspire and agree that a member or members of the conspiracy would make a false
 26 statement or use a writing which contained a false statement in a matter within the
 27 jurisdiction of the Department of State; and the person acted willfully, that is deliberately

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INDICTMENT

1 and with knowledge that the statement was untrue; and the statement was material to the
2 Department of State's activities or decisions.

3 4. The defendant, HUNG T. TRAN, became a member of the conspiracy knowing of
4 at least one of its objects and intending to help accomplish it.

5 Overt Acts

6 5. As part of the conspiracy and to carry out its objects, the defendant committed or
7 caused to be committed the following overt acts, among others, in the Northern District of
8 California:

- 9 a. In or about March 2009, HUNG T. TRAN traveled from the Northern
10 District of California to Asia for the purpose of meeting with software
11 engineers.
- 12 b. In or about April 2009, HUNG T. TRAN sent \$16,000 by wire transfer
13 from the Northern District of California to a business in Vietnam for the
14 purpose of hiring at least two software engineers.
- 15 c. In or about April 2009, HUNG T. TRAN sent the software engineers in
16 Vietnam instructions for applying for B1 visas and instructed that the
17 engineers should say they were entering the United States for training,
18 which was not true.

19 All in violation of Title 18, United States Code, Section 371.

20 DATED:

A TRUE BILL.

21 6/30/09

22 
FOREPERSON

23 JOSEPH P. RUSSONIELLO
United States Attorney

24 
25 KYLE F. WALDINGER
Deputy Chief, Major Crimes Section

26
27 (Approved as to form: 
28 AUSA NAT COUSINS

INDICTMENT